

IN THE SENATE OF THE UNITED STATES.

APRIL 28, 1858.—Ordered to be printed.

Mr. THOMSON, of New Jersey, made the following

REPORT.

[To accompany Bill S. 298.]

The Committee on Pensions, to whom was referred the petition of Catharine Jacobs, have had the same under consideration, and beg leave to report:

That the husband of the petitioner, though acting in the capacity of a *waiter*, seems to have been regarded by General Washington as a very deserving man, and on one occasion was relied upon as a guide and *spy*, which duty is the most dangerous that a *soldier* has to encounter, and on which occasion he received a wound, for which he was pensioned by Congress; and though they feel much hesitancy as to the propriety of establishing the precedent of pensioning those not strictly in the "military" service, yet they are disposed to regard this as an extraordinary case, and willing that the associations which the name of Washington awaken should have an influence, and, therefore, recommend that the prayer of the petitioner be granted.

The facts connected with the case are set forth in the annexed letter (marked A) from the Commissioner of Pensions, dated January 11, 1858, and addressed to J. J. Coombs, esq.

Adopting this letter as a part of their report, they herewith present a bill.

A.

PENSION OFFICE, *January 11, 1858.*

SIR: The claim of Mrs. Catharine Jacobs, for a pension under the 2d section of the act of February 3, 1853, as the widow of Francis, has been examined and rejected.

Francis Jacobs, the husband of the claimant, served in the capacity of a servant or waiter to General Washington for several years during the war of the revolution, and was wounded while acting as a guide or pioneer to him and his staff the night before the battle of Brandywine, in crossing fields and woodlands to reach a point where an

alarm had been given that the British were making a movement which indicated a purpose to cross the Brandywine.

He applied for a pension under act of 7th June, 1832, but was denied, for the reason that the act did not embrace persons who served in the capacity of servants or waiters. Congress, by special act, dated June 30, 1834, allowed him a pension of \$8 a month, commencing January 1, 1832, to continue during the period of his natural life. He died December 27, 1844, leaving the claimant, to whom he was married subsequent to 1800, his widow. She now asks to be pensioned under the act of February 3, 1853, at the same rate of pension her husband received under the special act of June 30, 1834. There is no law of Congress by which the pension allowed to a person who served in any capacity in the war of the revolution under a special act can be granted to the widow of such person, and as service as a waiter or servant is not recognized by any provision of the general pension laws, I am unable to grant the allowance to Mrs. Jacobs she desires. Her husband was a very meritorious person, or else General Washington would not have employed him as his waiter or servant during the arduous struggles of independence, and continued him in that capacity under his administration as President; but however much merit was attached to his character, and however important at times his assistance may have been, Congress has not made any provision by its general enactments which would embrace his case. My duty is to execute the law. The only relief I can see for Mrs. Jacobs is in an application to Congress.

Very respectfully,

GEORGE C. WHITING,
Commissioner.

J. J. COOMBS, Esq., *Present.*